

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION



United States of America,  
Plaintiff,

and

State of Minnesota, by its  
Attorney General Warren Spannaus,  
its Department of Health, and its  
Pollution Control Agency,

Plaintiff-Intervenor,

vs.

Reilly Tar & Chemical Corp.;  
Housing and Redevelopment Authority  
of St. Louis Park; Oak Park Village  
Associates; Rustic Oaks Condominium,  
Inc., and Philips Investment Co.,

Defendants,

and

City of St. Louis Park,

Plaintiff-Intervenor,

vs.

Reilly Tar & Chemical Corporation,

Defendant,

and

City of Hopkins,

Plaintiff-Intervenor,

vs.

Reilly Tar & Chemical Corporation,

Defendant.

File No. 4-80-469

SECOND SUPPLEMENTAL  
NOTICE OF MOTION AND  
MOTION TO DISMISS  
COMPLAINTS OF INTER-  
VENORS

TO: United States of America, plaintiff above-named, and to John M. Lee, Francis X. Hermann, and Carol E. Dinkins, United States Attorneys, 234 United States Courthouse, Minneapolis, Minnesota 55401; State of Minnesota, plaintiff-intervenor above named, and to Stephen Shakman, Special Assistant Attorney General for the State of Minnesota, 1935 W. County Road B2, Roseville, Minnesota 55113; City of St. Louis Park, plaintiff-intervenor above-named, and to Wayne G. Popham and Allen Hinderaker, Popham, Haik, Schnobrich, Kaufman & Doty, Ltd., 4344 IDS Center, Minneapolis, Minnesota 55402; City of Hopkins, plaintiff-intervenor above-named, and to Joseph C. Vesely, 203 Northwestern Bank Building, Hopkins, Minnesota 55343

PLEASE TAKE NOTICE THAT at 2:00 o'clock p.m. on December 2, 1981, or as soon thereafter as counsel can be heard, at Courtroom 4 of the United States Courthouse, Minneapolis, Minnesota, the defendant Reilly Tar & Chemical Corporation will move the Court as follows:

1. To dismiss those claims of the intervenors State of Minnesota, City of St. Louis Park, and City of Hopkins in the action above-entitled which are based on 42 U.S.C. § 6973 and federal common law on the grounds that they fail to state a claim upon which relief may be granted and this Court lacks jurisdiction over the subject matter.

2. To dismiss those claims of the intervenors State of Minnesota and City of St. Louis Park in the above-entitled action which are based on 42 U.S.C.A. § 9601 et seq. on the grounds that they fail to state a claim upon which relief may be granted.

3. To dismiss the action above-entitled on the ground that it is improper for this Court to exercise jurisdiction over the pendent state law claims of the intervenors after the federal law claims have been dismissed.

Said motion is based upon all the files, records and pleadings in the above-entitled action, including the following:

1. Supplemental Statement of Points and Authorities in Support of Defendant Reilly Tar & Chemical Corporation's Motion to Dismiss the Complaints of the Intervenor.

2. Statement of Points and Authorities in Support of Defendant Reilly Tar & Chemical Corporation's Motion to Dismiss the Complaints of the Intervenor.

3. Statement of Points and Authorities in Support of Defendant Reilly Tar & Chemical Corporation's Motion to Dismiss the Complaint of Plaintiff United States of America.

4. Supplemental Statement of Points and Authorities in Support of Defendant Reilly Tar & Chemical Corporation's Motion to Dismiss the Amended Complaint of Plaintiff United States of America.

5. Reply Memorandum of Reilly Tar & Chemical Corporation in Response to the Memoranda in Opposition of Plaintiff United States of America and Intervenor State of Minnesota.

6. Supplemental Memorandum in Support of Defendant Reilly Tar & Chemical Corporation's Motion to Dismiss Amended Complaint of Intervenor City of St. Louis Park.

7. Affidavit of Carl F. Leshner.

Dated: 7-1-61

DORSEY, WINDHORST, HANNAFORD,  
WHITNEY & HALLADAY

By

Edward J. Schwartzbauer  
William J. Keppel  
Michael J. Wahoske  
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Telephone: (612) 340-2600

Attorneys for Reilly Tar &  
Chemical Corporation

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

USA  
vs.  
Reilly Tar & Chemical

4-80 Civil 469

ORDER FOR RE-ASSIGNMENT OF CIVIL CASES

Above case transferred from Judge Murphy to Judge Magnuson effective 11-16-81.

IT IS ORDERED that the Clerk of Court is directed  
to transfer and re-assign the two-hundred and twenty-two  
(222) cases as listed on the attached to Paul A. Magnuson  
as follows:

38 Cases from Chief Judge Miles W. Lord

20 Cases from Judge Harry H. MacLaughlin

66 Cases from Judge Robert G. Renner

98 Cases from Judge Diana E. Murphy

IT IS FURTHER ORDERED that upon the appointment of  
Paul A. Magnuson as United States District Judge, District  
of Minnesota, a copy of this order shall be filed and docketed  
in each of the cases being reassigned as shown on the attached  
lists, and that notice be mailed to counsel in accordance with  
Rule 77(d) of the Federal Rules of Civil Procedure.

DATED: NOVEMBER 16, 1981

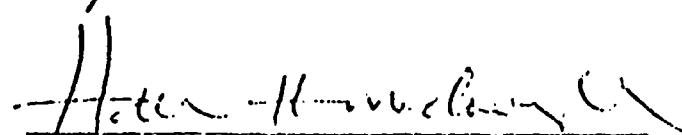
Francis X. Hermann  
Asst U. S. Atty

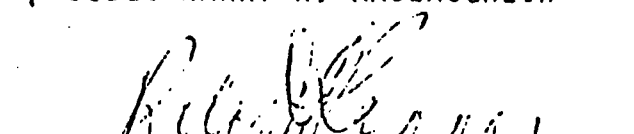
Stephen Shakman  
1935 W. County Road B2  
Roseville, MN 55113

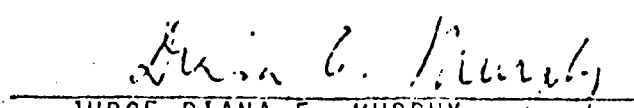
Wayne G. Popham  
4344 IDS Center  
Mpls., MN 55402

(over)

  
MILES W. LORD, CHIEF JUDGE

  
JUDGE HARRY H. MACLAUGHLIN

  
JUDGE ROBERT G. RENNER

  
JUDGE DIANA E. MURPHY

November 16 1981  
ROBERT E. HESS, CLERK